

FISCAL MEMORANDUM

HB 3069 – SB 3258

March 17, 2008

SUMMARY OF AMENDMENT (015200): Deletes the language of the original bill. Requires all traffic citations based solely on evidence obtained from surveillance cameras to be considered non-moving traffic violations. Requires an employee of the applicable law enforcement office to review video evidence to make determinations as to whether traffic violations have occurred. Requires citations be sent by first-class mail to registered owner of the vehicles. Authorizes registered owner of vehicles to provide affidavits to the courts as proof they were not the operator of the registered vehicle when the violation was determined. The following vehicles are exempt from receiving a notice of violation: emergency vehicles with active emergency lights, vehicles moving through intersections to avoid or clear the way for marked emergency vehicles, vehicles under police escort, and vehicles in funeral processions.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Expenditures* - Exceeds \$250,000
Local Revenue – Net Impact – Not Significant

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase Local Revenue – Net Impact –
Exceeds \$1,000,000/Over a five-year period/Permissive**

Assumptions applied to amendment:

- The fiscal impact of this bill is dependent upon several unknown factors such as the number of counties and municipalities that will begin utilizing surveillance cameras for traffic enforcement regardless of the outcome of this legislation, the number of counties and municipalities that will begin utilizing surveillance cameras only as a result of passage of this legislation, the extent to which each county and/or municipality utilizes such surveillance equipment, the cost of equipment, the cost of installing equipment, the cost of maintaining equipment, and the extent

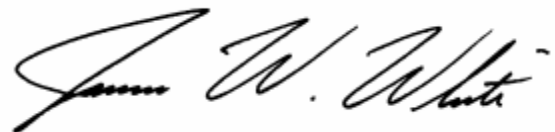
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to which each county and/or municipality would have to hire additional employees for monitoring video evidence and mailing out citations.

- According to the Comptroller, the City of Gallatin used surveillance cameras last year for traffic enforcement and approximately 20,000 tickets were issued based on video evidence using surveillance equipment. As a result, the number of citations issued statewide, as well as the resulting revenue to state and local governments, could increase significantly as a result of this legislation.
- Based on a National Conference of State Legislatures (NCSL) report titled "Automated Traffic Enforcement" released in April 2004, there was no jurisdiction in the United States using surveillance equipment as a method of traffic enforcement in 1990. As of April 2004, more than 90 cities and towns throughout the country relied on automated enforcement.
- Given the utilization of surveillance equipment as a method of traffic enforcement is increasing at a national level, it is assumed that such enforcement method is more efficient and profitable for state and local governments, at least over longer periods of time (such as five-year or ten-year periods).
- Expenditures derived from the costs of purchasing and installing surveillance equipment may outweigh the incremental revenue derived from fines in the first couple of years. However, incremental revenue to local governments is expected to outweigh incremental expenditures over a five-year period of time.
- The net increase of revenue to local governments (after all incremental expenditures including those expenditures incurred for additional law enforcement positions required for reviewing video evidence) is extremely difficult to estimate given the extent of unknown factors mentioned above. However, the net increase of local government revenue is reasonably estimated to exceed \$1,000,000 over a five-year period.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/rnc